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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/936,555	03/04/2002	Pascal Guterman	032326-167	7127
21839	7590	12/13/2005	EXAMINER	
BUCHANAN INGERSOLL PC (INCLUDING BURNS, DOANE, SWECKER & MATHIS) POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404			FOX, JAMAL A	
			ART UNIT	PAPER NUMBER
			2664	

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No. ☒

09/936,555

Applicant(s)

GUTERMAN, PASCAL

Examiner

Jamal A. Fox

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 14 and 15 is/are rejected.
- 7) ☒ Claim(s) 5-13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☒ Certified copies of the priority documents have been received in Application No. 09/936,555.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/14/2001.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 14 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Iijima (U.S. Patent No. 5,581,708).

Referring to claim 1, Iijima discloses a method for communicating parameters of a digital data transmission protocol (protocol, col. 2 lines 30-40, col. 2 lines 50-62 and col. 5 lines 55-60) between “reference” equipment (first electronic apparatus, col. 2 lines 25-62) and “follower” equipment (second electronic apparatus, col. 2 lines 25-62) to allow the follower equipment to adapt to the transmission characteristics of the reference equipment, comprising the following steps:

(a) connecting (inserted, col. 1 lines 20-25, col. 4 lines 60-65, col. 6 lines 1-5 and col. 8 lines 25-30) the reference equipment with the follower equipment for transmission between them according to a communication protocol (protocol, col. 2 lines 30-40, col. 2 lines 50-62 and col. 5 lines 55-60) known to the two equipments, and

(b) transmitting (transmitting, col. 2 lines 35-40 and col. 2 lines 55-60), from the reference equipment to the follower equipment, at the request of said follower equipment, information defining the characteristics of a second digital transmission protocol (protocol, col. 2 lines 30-40, col. 2 lines 50-62 and col. 5 lines 55-60) which will

be used (used, col. 2 lines 35-40 and col. 2 lines 55-60) by the reference equipment (first electronic apparatus, col. 2 lines 25-62) for sending and receiving the data which will be exchanged between the two equipments, according to said second digital transmission protocol (protocol, col. 2 lines 30-40, col. 2 lines 50-62 and col. 5 lines 55-60).

Referring to claim 2, Iijima discloses a method according to claim 1 wherein during step (a), the reference equipment (first electronic apparatus, col. 2 lines 25-62) indicates to the follower equipment (second electronic apparatus, col. 2 lines 25-62) that it can communicate according to said second digital transmission protocol (protocol, col. 2 lines 30-40, col. 2 lines 50-62 and col. 5 lines 55-60).

Referring to claim 3, Iijima discloses a method according to claim 2, wherein, during the step (b), the follower equipment (second electronic apparatus, col. 2 lines 25-62) has the reference equipment (first electronic apparatus, col. 2 lines 25-62) transmit (transmitting, col. 2 lines 35-40 and col. 2 lines 55-60) the characteristic of said second digital transmission protocol if said second protocol (protocol, col. 2 lines 30-40, col. 2 lines 50-62 and col. 5 lines 55-60) is not known to said follower equipment.

Referring to claim 4, Iijima discloses a method according to claim 1 wherein the characteristics of the second digital transmission protocol (protocol, col. 2 lines 30-40, col. 2 lines 50-62 and col. 5 lines 55-60) are different depending on the direction of the digital data transmission.

Referring to claim 14, Iijima discloses an electronic smart card (IC card, col. 1 lines 21-38, col. 4 lines 60-65, col. 6 lines 1-5 and col. 8 lines 25-30) that communicates

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with a reader (terminal device, col. 1 lines 21-38, col. 4 lines 60-65 and col. 8 lines 25-30; reader, col. 6 lines 1-5) according to a first communication protocol (protocol, col. 2 lines 30-40, col. 2 lines 50-62 and col. 5 lines 55-60) known to both said smart card and said reader upon connection thereto, and which transmits (transmitting, col. 2 lines 35-40 and col. 2 lines 55-60) to the reader, at the request of said reader, information defining the characteristics of a second digital transmission protocol (protocol, col. 2 lines 30-40, col. 2 lines 50-62 and col. 5 lines 55-60) that will be employed by said smart card for exchanging data with said reader.

Referring to claim 15, Iijima discloses a read terminal (terminal device, col. 1 lines 21-38, col. 4 lines 60-65 and col. 8 lines 25-30; reader, col. 6 lines 1-5) for electronic smart cards (IC card, col. 1 lines 21-38, col. 4 lines 60-65, col. 6 lines 1-5 and col. 8 lines 25-30) that communicates with smart cards in accordance with a first communication protocol (protocol, col. 2 lines 30-40, col. 2 lines 50-62 and col. 5 lines 55-60) known to both said reader and said smart cards upon the connection of a smart card thereto, and which transmits (transmitting, col. 2 lines 35-40 and col. 2 lines 55-60) a request for information defining the characteristics of a second digital transmission protocol (protocol, col. 2 lines 30-40, col. 2 lines 50-62 and col. 5 lines 55-60) that will be employed by the smart card to exchange data with said reader.

***Allowable Subject Matter***

3. Claims 5-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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**Conclusion**

**4. Any response to this action should be mailed to:**

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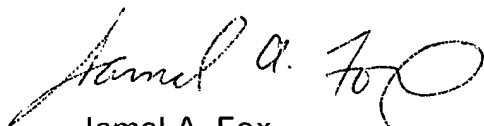
**or faxed to:**


(571) 273-8300, (for formal communications intended for entry)

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamal A. Fox whose telephone number is (571) 272-3143. The examiner can normally be reached on Monday-Friday 6:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272-3134. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to 2600 Customer Service whose telephone number is (571) 272-2600.

  
Jamal A. Fox,

  
WELLINGTON CHIN  
SUPERVISORY PATENT EXAMINER